



## United States Department of the Interior

U.S. GEOLOGICAL SURVEY  
12201 Sunrise Valley Drive  
Reston, Virginia 20192-0002

October 30, 2019

In Reply Refer To:  
U.S. Geological Survey  
Attention: FOIA Officer  
12201 Sunrise Valley Drive  
Mail Stop 159, Room 4B105  
Reston, Virginia 20192-0002

Mr. Jimmy Tobias  
411A Highland Avenue  
DEPT MR 74209  
Somerville, Massachusetts 02144-2516  
[74209-19703024@requests.muckrock.com](mailto:74209-19703024@requests.muckrock.com)

*Transmitted by electronic mail*

Re: U.S. Geological Survey (USGS) Freedom of Information Act (FOIA) Tracking #  
USGS-2019-00141 – Response

Dear Mr. Tobias:

This letter is our response to your Freedom of Information Act (FOIA) request, dated and received in our office on May 29, 2019, in which you requested the following information:

Any email or written communications, as well as any documentation of in-person meetings, between USGS Director James Reilly and Interior Secretary David Bernhardt or his deputies, including Todd Willens and Katharine MacGregor.

We have enclosed one portable document format (PDF) file consisting of 41 pages of records responsive to your request, which are being released to you in part. With respect to the responsive materials being withheld, we reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure; therefore, portions of these pages are protected from release under FOIA Exemptions (b)(6) (Exemption 6).

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.”

[5 U.S.C. § 552\(b\)\(6\)](#).

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens ‘know what their government is up to.’ The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of the identifying information, specifically email addresses for both the DOI Secretary as well as the White House Associate Director for Natural Resources, Council on Environmental Quality, and we have determined that the individuals to whom the information pertains have a substantial privacy interest in withholding their information. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals, and we are withholding the information under Exemption 6.

We have classified you as a “news media” requester. On May 29, 2019, we approved your request for a fee waiver.

I am responsible for this partial denial. Ms. Jennifer Heindl, Attorney-Advisor, U.S. Department of the Interior, in the Office of the Solicitor was consulted.

You may appeal this response to the Department’s FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

**Your appeal must be made in writing.** You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the USGS's response is in error. You must also include with your appeal copies of all correspondence between you and the USGS concerning your FOIA request, including your original FOIA request and the USGS's response. Failure to include with your appeal all correspondence between you and the USGS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

*DOI FOIA/Privacy Act Appeals Office Contact Information*

Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W.  
MS-6556 MIB  
Washington, D.C. 20240  
Attn: FOIA/Privacy Act Appeals Office  
Telephone: (202) 208-5339  
Fax: (202) 208-6677  
Email: [FOIA.Appeals@sol.doi.gov](mailto:FOIA.Appeals@sol.doi.gov)

For more information on FOIA Administrative Appeals, you may review Subpart H of the Department's FOIA regulations, [43 C.F.R. Part 2, Sub-part H](#).

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road – OGIS  
College Park, Maryland 20740-6001  
Telephone: (202) 741-5770  
Fax: (202) 741-5769  
Toll-free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://ogis.archives.gov>

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

You also may seek dispute resolution services from me, as our FOIA Public Liaison. If you have any questions about our response to your request, you may contact me by phone at (443) 750-2620 (cell), by electronic mail at [foia@usgs.gov](mailto:foia@usgs.gov), or by mail at 12201 Sunrise Valley Drive, Mail Stop 159, Room 4B105, Reston, Virginia 20192-0002.

Sincerely,

Brian A. May  
U.S. Geological Survey  
Freedom of Information Act Officer

Enclosure:

2019-00141 – Reilly-Bernhardt\_Emails  
\_Redacted.pdf (41 pages)